

*Amendment*

U.S. Serial No. 09/805,145

Atty Reference: 050885-0278093

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**REMARKS**

Preliminarily, Applicants would like to thank the Examiner for acknowledging the allowability of claims 17, 19 and 38. The Applicants submit that the remaining claims are now also allowable.

Claims 46-49 have been newly added, and are supported throughout the specification, for example, at pages 10-11, and original claim 30. Accordingly, no new matter has been introduced.

Claims 1,2, 4-6, 8-10, 20, 23, 27, 31-36 and 40 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bett *et al.* (US 5,840,414). The Applicants respectfully request reconsideration and withdrawal of this rejection in light of the above amendments and following remarks. The Examiner notes that Bett *et al.* discuss “a plate (4) which is made of carbon coated with a metal oxide such as RuO<sub>2</sub>, SnO<sub>2</sub>, Ta<sub>2</sub>O<sub>5</sub>, TiO<sub>2</sub>, or mixtures thereof.”<sup>1</sup> This reference does not discuss, however, a plate comprising a metallic substrate with a coating of an electrocatalytically-active material.

Claims 1-5, 7, 15, 16 and 18 stand rejected under 35 U.S.C. §102(b) as anticipated by Dowell (US 4,000,346). Reconsideration and withdrawal of this rejection is respectfully requested because Dowell does not discuss a fuel cell assembly including at least one plate comprising a metallic substrate with a coating of an electrocatalytically-active material comprising ruthenium oxide.

Claim 30 stands rejected under 35 U.S.C. §102(b) in view of Sizer *et al.* (US 3,607,416). Reconsideration and withdrawal of this rejection is respectfully requested. The Examiner notes that Sizer’s electrode “substrate is nickel (column 5, lines 5-7).”<sup>2</sup> Sizer *et al.* do not discuss a substrate comprising at least one metal selected from Ti, V, Cr, Mn, Fe, Co, Cu, Zr, Nb, Ag, Pt, Ta, Pb, Al, or alloys thereof.

Claims 11-14, 21, 24-26, 28-29, 37 and 41 stand rejected under 35 U.S.C. §103(a) as obvious over Bett *et al.* in view of Lawrance (US 4,214,969). Additionally, claim 13 stands rejected under §103(a) over Bett *et al.* in view of Lawrance, in further view of Johnson *et al.* (US 5,840,438). Claims 39 and 45 were rejected as obvious over Bett *et al.* in view of Johnson *et al.* Finally, claims 42-44 stand rejected under §103(a) as obvious over Bett *et al.*

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<sup>1</sup> Paper No. 5, page 3 (internal citations omitted).

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in view of Gibb (US 6,057,053). The Applicants respectfully request reconsideration and withdrawal of each of these rejections in light of the above amendments and following remarks.

As mentioned above, Brett *et al.* do not discuss a fuel cell assembly comprising at least one plate comprising a metallic substrate with a coating of an electrocatalytically-active material. This deficiency is not remedied by the combination of Brett *et al.* with Lawrence's "electrical connections and pipework",<sup>3</sup> Johnson's fuel source, or Gibb's compression assembly. Accordingly, none of these combinations render the present claims obvious.

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<sup>2</sup> Paper No. 5, page 4.

<sup>3</sup> Quoting the outstanding Office Action, Paper No. 5, page 5.

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**CONCLUSION**

Therefore, it is believed that the present application is in condition for allowance and favorable reconsideration and allowance of the application is kindly requested.

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

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